Remarks/Arguments

Claims 1-7 have been examined in the Office Action mailed January 11, 2006. Applicant has not added or cancelled any claims. Claims 1 and 5 have been amended only for clarity, and the claim scope has not been changed. Accordingly, no further search is necessitated as a result of the minor amendments, and entry of the amendments is respectfully requested. Claims 1-7 are presented for consideration in light of the remarks below, with claim 1 being independent.

Claims 1-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Roop (5,619,274) in view of the Program and System Information Protocol for Terrestrial Broadcast and Cable document (the ATSC document). Applicant respectfully traverses the rejection.

The applied portions of Roop do not disclose or suggest at least "a tuner operable by said processor to tune said video decoder to receive packetized information for said user selected program, including current time reference information from a corresponding program source" (claim 1, emphasis added). Roop appears to describe a system that can be tuned to receive information for a user selected program, such as being tuned to receive a user selected movie on Showtime® (see Roop at col. 9, line 27). Roop also appears to describe that the information that is received would include, in this example, the video for the user selected Showtime® movie. However, Roop does not describe that the information received for the user selected program (e.g. the movie) includes any "time ... information" (claim 1), much less "time ... information from a corresponding program source" (claim 1, emphasis added). In this example, the corresponding program source would be the source of the user selected Showtime® movie.

Roop does provide time information however, and Roop provides the time information in the Vertical Blanking Interval (VBI) of one or more particular channels (see, e.g., Roop at col. 9, lines 23-27). However, Roop's time information is applicable to all programming available to a user (see, e.g., col. 10, lines 33-46), and Roop's system presumably receives its time information by tuning to one of the particular channels regardless of what program a user has selected. Accordingly, Roop's time information is not part of the "packetized information for [the] user selected program" (claim 1). Further, Roop's time information is not "from a corresponding program source" (claim 1), but is, rather, from Roop's Starsight Computer Center 54 (see, e.g., Roop at col. 10, lines 33-35).

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The ATSC document relates to a communication protocol. However, the applied

portions of ATSC are not cited to overcome, and do not appear to overcome, the above-

described deficiencies of Roop. Accordingly, claim 1 is patentable over the applied

references.

Claims 2-6 depend from independent claim 1, and the Office Action applies

additional portions of Roop against the recitations of claims 2-6. The additional portions of

Roop are not cited to cure, and do not cure, the above-described deficiencies in Roop.

Accordingly, claims 2-6 are patentable over the applied references for at least the reasons

discussed above with respect to claim 1.

Further regarding claim 3, the Office Action states (Office Action at page 7)
that:

> Roop also discloses a filter for filtering said output such that any
> discontinuity in the current time reference information is prevented (see the
> Daylight Savings Time Change Command in Column 39 and note that
> automatically changing the current time according to the corrected Daylight
> Savings time prevents any possible discontinuity) ... (see Column 40, Lines
> 19-22).

Applicant respectfully disagrees and traverses the rejection of claim 3. The applied portion

of Roop does not disclose or suggest, at least, "a filter filtering said output [of said second

time clock] such that any discontinuity in the current time reference information is

prevented, and providing said filtered output to said display" (claim 3, emphasis added).

Rather, the applied portion of Roop actually introduces a discontinuity.

Column 39 describes the Time Command, rather than the Daylight Savings Time

Change Command as indicated in the Office Action. Both of these commands are

addressed below for completeness.

With respect to the Time Command, Roop explains that a Daylight Saving flag

indicates whether daylight savings is in effect (col. 39, table IX), and that "Subscriber Units

52 ... should reset their current time of day ... to agree with the value received" in the Time

Command (col. 39, lines 30-32). Thus, when daylight savings either begins or ends (as will

be indicated by the Daylight Saving flag), and the Subscriber Units 52 "reset their current

time of day ... to agree" with the new time, the Subscriber Units 52 will instantaneously

change their current time of day by one hour (either forward or backward). This

instantaneous change (that is, a "reset") introduces a discontinuity.

With respect to the Daylight Savings Time Change Command, Roop explains that

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the "Daylight Saving Time Change Command defines when the next Daylight Saving time

changes will occur so that displays of schedule data for time periods that contain these

changes can show the correct adjusted local time" (col. 40, lines 18-22). Roop elaborates,

stating that "Show list entries ... should be shown [by the Subscriber Units 52] with a time

offset affected by the upcoming Daylight Savings state" (col. 40, lines 27-30). The show-

list-entries "contain a list of the TV programs and their duration" (col. 12, lines 12-13) and

the Subscriber Units 52 use the Daylight Savings Time Change Command so that the

correct time information is displayed for a given program. Thus, the Daylight Savings

Time Change Command is used to present scheduling information, not to present the

current time.

Accordingly, the Daylight Savings Time Change command does not relate to the

"output [of said second time clock]" (claim 3) or to the output of any clock, but rather to

particular time/scheduling information (e.g. duration) for a given program. Further, there is

no indication in the applied portion of Roop that the Daylight Savings Time Change

command relates to "filtering said output [of said second time clock] such that any

discontinuity in the current time reference information is prevented" (claim 3, emphasis

added). The applied portions of Roop do not describe a discontinuity.

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Roop

in view of the ATSC document in further view of Landis (5,561,461). Landis relates to

setting an accurate time of day. Claim 7 depends from independent claim 1. Applicant

respectfully traverses the rejection for at least the reason that the applied portions of Roop,

the ATSC document, and Landis, are not cited to overcome, and do not appear to overcome,

the deficiencies of Roop discussed above with respect to claim 1. Accordingly, claim 7 is

patentable over the applied references.

For the sake of brevity, Applicant has not repeated the arguments from the earlier

responses, but does hereby incorporate them by reference for all purposes.

For at least the reasons given above, Applicant respectfully submits that claims 1-7

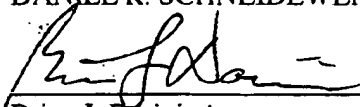are patentable over the applied references and requests allowance of claims 1-7.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,

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